



AUG 12 2004

IFw RCE  
Mail Stop RCE**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/349,105

Filing Date: July 8, 1999

First Named Inventor: Christine RONDEAU

Group Art Unit: 1751

Examiner: M. Einsmann

Attorney Docket Number: 05725.0441-00000

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114:**a.  Previously submittedi.  Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.ii.  Consider the arguments in the Appeal Brief of Reply Brief previously filed on \_\_\_\_\_.iii.  Other \_\_\_\_\_b.  Enclosed:

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i.  Amendment/Reply 01 FC:1801ii.  Affidavit(s)/Declaration(s): Declaration Under 37 C.F.R. § 1.132iii.  Information Disclosure Statement with eleven (11) referencesiv.  Other Petition for Extension of Time.**2. Miscellaneous**a.  Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)b.  Other \_\_\_\_\_**3. Fees**a.  The filing fee is calculated as follows:i.  \$770.00 RCE fee required under 37 C.F.R. § 1.17(e)ii.  Petition for Extension of Time for (Five Months) \$2,010.00iii.  Other \_\_\_\_\_b.  Check in the amount of \$2,780.00 enclosed.c.  The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.**Signature of Applicant, Attorney, or Agent Required**

Name: Charles D. Nieblylski

Reg. No.: 46,116

Signature:

Date: August 12, 2004

**Certificate of Mailing or Transmission**

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PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0441



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Christine RONDEAU )  
Application No.: 09/349,105 ) Group Art Unit: 1751  
Filed: July 8, 1999 ) Office: M. Einsmann  
For: COMPOSITION FOR DYEING )  
KERATIN FIBERS WITH A )  
CATIONIC DIRECT DYE AND A )  
THICKENING POLYMER )

**Mail Stop - RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.114**

Further to the Notice of Appeal filed January 13, 2004, and in response to the Office Action dated July 14, 2003, Applicant respectfully requests continued examination of this application in view of the amendments and remarks set forth herein as well as the accompanying Declaration under 37 C.F.R. §1.132. The Office Action dated July 14, 2003, rejected the claims for at least a second time as being obvious over *Rondeau* under 35 U.S.C. § 103(a). Therefore, the Notice of Appeal filed January 13, 2004, was a valid response to that Office Action. The present paper satisfies the requirement for a "Submission" to accompany the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 filed herewith. The RCE and this submission are timely filed in view of the Petition for Extension of Time and fee filed concurrently herewith.

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks begin on page 112 of this paper.